

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: **English**

No.: **ICC-01/13**  
Date: **24 November 2016**

**PRE-TRIAL CHAMBER I**

**Before:** Judge Joyce Aluoch, Presiding Judge  
Judge Cuno Tarfusser  
Judge Péter Kovács

**SITUATION ON THE REGISTERED VESSELS OF THE UNION OF  
THE COMOROS, THE HELLENIC REPUBLIC AND THE KINGDOM OF  
CAMBODIA**

**Public**

**Decision on the Request for Withdrawal of Counsel**

Decision to be notified, in accordance with Regulation 31 of the *Regulations of the Court*, to:

**The Office of the Prosecutor**

Fatou Bensouda, Prosecutor  
James Stewart, Deputy Prosecutor

**Counsel for Defence**

**Legal Representatives of Victims**

Geoffrey Nice  
Rodney Dixon

**Legal Representatives of Applicants**

**Unrepresented Victims**

**Unrepresented Applicants for  
Participation/Reparation**

**The Office of Public Counsel for  
Victims**

Paolina Massidda

**The Office of Public Counsel for the  
Defence**

**States Representatives**

Geoffrey Nice  
Rodney Dixon

**Amicus Curiae**

**REGISTRY**

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**Registrar**

Herman von Hebel

**Counsel Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

**Others**

**PRE-TRIAL CHAMBER I** (the “Chamber”) of the International Criminal Court (the “Court or “ICC”) issues the present decision on the “Withdrawal as Counsel for the Government of the Union of the Comoros and as Legal Representative of Victims in Situation ICC-01/13”<sup>1</sup> (the “Request”).

1. On 6 November 2014, the Prosecutor issued a report in which she decided that there is no reasonable basis to proceed with an investigation into the situation.<sup>2</sup>

2. On 29 January 2015, the Union of the Comoros, represented by Geoffrey Nice (“Mr. Nice”) and Rodney Dixon (“Mr. Dixon”), submitted the “Application for Review pursuant to Article 53(3)(a) of the Prosecutor’s Decision of 6 November 2014 not to initiate an investigation in the Situation”<sup>3</sup> asking that the Chamber request the Prosecutor to reconsider her decision.

3. On 24 April 2015, the Chamber issued the “Decision on the Victims’ Participation”,<sup>4</sup> in which, *inter alia*, it confirmed the victims’ right to be represented by counsel of their choice, “provided they have been given a power of attorney”.<sup>5</sup> As a result, Mr. Nice continued to represent some of the victims of the situation.

4. On 16 July 2015, the Chamber issued its decision on the request of the Union of the Comoros to review the Prosecutor’s decision not to initiate an investigation, requesting the Prosecutor to reconsider her decision.<sup>6</sup> To date, the Prosecutor has not reconsidered that decision.

5. On 23 November 2016, the Chamber received the Request in which Mr. Nice, co-counsel for the Government of the Union of the Comoros and

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<sup>1</sup> ICC-01/13-55.

<sup>2</sup> Office of the Prosecutor, *Situation on Registered Vessels of Comoros, Greece, and Cambodia: Article 53(1) Report*, 6 November 2014, ICC-01/13-6-AnxA.

<sup>3</sup> Pre-Trial Chamber I, ICC-01/13-3-Conf; a public available version is also available, ICC-01/13-3-Red.

<sup>4</sup> Pre-Trial Chamber I, ICC-01/13-18.

<sup>5</sup> Pre-Trial Chamber I, ICC-01/13-18, p. 8.

<sup>6</sup> Pre-Trial Chamber I, Decision on the request of the Union of the Comoros to review the Prosecutor’s decision not to initiate an investigation, 16 July 2015, ICC-01/13-34.

legal representative of some of the victims, requests the Chamber's leave to withdraw as counsel. He confirms that his withdrawal will "not otherwise affect the composition of the legal teams" since his colleague, Mr. Rodney Dixon, remains counsel for the two aforementioned participants, together with "the rest of the legal team".<sup>7</sup>

6. The Chamber notes regulations 78 and 82 of the Regulations of the Court (the "Regulations"). According to regulation 78 of the Regulations, "[p]rior to withdrawal, defence counsel shall seek the leave of the Chamber". Equally, regulation 82 of the Regulations makes clear that withdrawal of legal representatives of victims requires prior "leave of the Chamber". Neither of these provisions regulate the issue of withdrawal of counsel representing a State, nor do the Court's statutory documents envisage such a situation. Accordingly, the Chamber is of the view that the core principle applies *mutatis mutandis* to counsel representing the State.

7. In view of the desire expressed by Mr. Nice to withdraw his representation, and given that the Government of the Union of the Comoros and the victims of the situation, hitherto represented by Mr. Nice, will not be left without any legal representation, the Chamber grants the Request. The Chamber reminds Mr. Nice that he remains subject to articles 8, 15 and 17 to 19 of the Code of Professional Conduct for counsel.

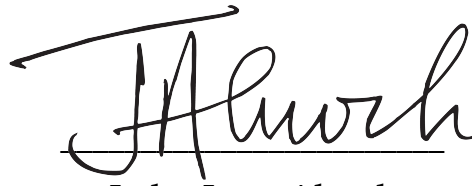
**FOR THESE REASONS, THE CHAMBER HEREBY**

**Grants** the Request.

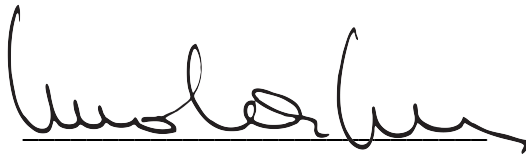
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<sup>7</sup> ICC-01/13-55, para. 5.

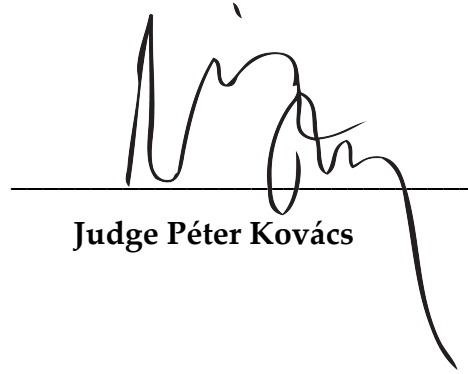
Done in both English and French, the English version being authoritative.



**Judge Joyce Aluoch**  
**Presiding Judge**



**Judge Cuno Tarfusser**



**Judge Péter Kovács**

Dated this Thursday, 24 November 2016

At The Hague, The Netherlands